

A RESOLUTION

25-409

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2024

To declare the existence of an emergency with respect to the need to amend the Construction Codes Approval and Amendments Act of 1986 to require a property owner, contractor, or person applying for certain permits for construction work to demonstrate that the person's insurance covers adjacent and adjoining property owners for loss or damage that arises out of the proposed construction work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Protecting Adjacent and Adjoining Property Owners from Construction Damage Emergency Declaration Resolution of 2024".

Sec. 2. (a) The Protecting Adjacent and Adjoining Property Owners from Construction Damage Amendment Act of 2022, effective March 22, 2023 (D.C. Law 24-339; 70 DCR 1575) ("2022 Act"), requires property owners, contractors, or persons applying for a permit for construction work to obtain liability insurance that covers adjacent and adjoining property owners for loss or damage arising out of the proposed work.

(b) The requirements under the 2022 Act are tied to specific types of construction permits issued by the Department of Buildings. However, following the enactment of the 2022 Act, the Department of Buildings determined that one existing permit requirement should be clarified to include when an applicant will be engaging in underpinning and that 3 additional permit types should be included because they involve work that has the greatest potential to cause damage or bodily injury to a neighboring property or property inhabitants.

(c) The additional permits are:

(1) An alteration and repair permit pursuant to which the applicant will be engaged in underpinning or certain other types of construction activity;

(2) A foundation permit; and

(3) A new building permit.

(d) Not including these permit types from the required insurance coverage creates a significant gap in the protection that the original legislation was designed to provide and should

be remedied immediately to protect District property owners from significant loss or injury as a result of construction activity occurring at a neighboring property.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Protecting Adjoining and Adjacent Property Owners from Construction Damage Emergency Amendment Act of 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.